

MONTANA LEGISLATIVE HISTORY

Chapter 405 19 71

Bill H _____ S 225 Original bill & history ____C

H. Committee on Education

Hearing Date(s) 2-20 ✓C

_____C

_____C

_____C

Date Out _____C

S. Committee on Judiciary

Hearing Date(s) 2-3 ✓C

2-8 ✓C

_____C

_____C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

Senate Judiciary
Meeting of February 3, 1971
Page 2.

Senate Bill 62 was explained by Senator Turnage and considered by the committee. Senator Turnage MOVED THAT SENATE BILL 62 DO PASS. This was seconded by Senator Stephens. The motion was carried.

Senate Bill 132 was considered by the committee. Senator Turnage MOVED THAT SENATE BILL 132 DO PASS. THIS was seconded by Senator Hafferman. The motion was carried.

Senate Bill 239 was brought before the committee. Senator Turnage MOVED THAT SENATE BILL 239 DO NOT PASS. This was seconded by Senator Stephens. The motion was carried.

Senate Bill 241 was considered and IT WAS MOVED By Senator Hafferman, seconded by Senator Turnage, that Senate Bill 241 DO PASS. The motion was not carried because Senator Hafferman moved that 241 be reconsidered. This move was seconded by Senator Turnage. Senator Shea suggested it be held in committee for about two days to consider it further.

Senate Bill 216 was brought before the committee and Senator Turnage MOVED, SECONDED by Senator Stephens, that Senate Bill 216 DO NOT PASS. The motion was carried.

Senate Bill 225 was considered and it was decided to let it remain in committee for a while for further study.

Senate Bill 261 was brought up and Senator Turnage MOVED, SECONDED BY Senator Moore, that Senate Bill DO NOT PASS. THE MOTION WAS CARRIED.

Senate Bill 255 was now considered. Senator Turnage MOVED, SECONDED BY Senator Moore THAT SENATE BILL 255 DO NOT PASS. THE MOTION WAS CARRIED.

Senate Bill 285 was set for hearing with Senator Lynch for 11:00 A.M., February 4.

Senate Bill 329 was considered and Senator Hafferman MOVED, seconded by Senator Gilfeather THAT SENATE BILL 329 DO PASS. THE MOTION WAS CARRIED.

Senate Bill 333 was brought before the committee. Senator Turnage MOVED, SECONDED by Senator Gilfeather, that SENATE BILL 333 DO NOT PASS. The motion was carried.

Senate Bill 334 was considered. Senator Turnage MOVED that 334 do not pass. There was a SUBSTITUTE MOTION by Senator Gilfeather, SECONDED by Senator Hafferman that 334 DO PASS. THE MOTION WAS CARRIED.

SENATE JUDICIARY COMMITTEE MEETING--February 8, 1971

The meeting was called to order by the Chairman, Senator Gilfeather. The members were present, with the exception of Senators Hafferman, Stephens and Vainio.

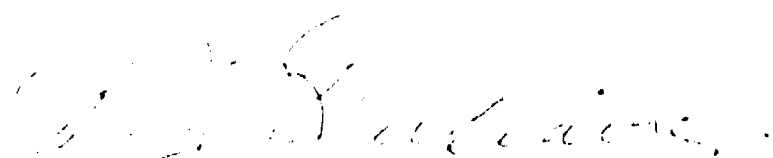
The committee took up the task of finishing off the work to be done on Senate Bill 24. Senator Turnage offered some amendments for the bill and after deliberation it was noted that the amendments would be ready for Tuesday's meeting, February 9, at which time the bill would move out of committee.

Senate Bill 331 was considered and Senator Dzivi explained this bill. He spoke of amending a section of this bill. He then introduced Mr. Vern Harris, an attorney, who spoke in favor of this bill. Senator Lynch spoke briefly at this point. Mr. Jack Peterson of the Montana Trial Lawyers Association, spoke supporting this bill. The opponents were: Peter Pauly who spoke on behalf of the Montana Contractors' Association; Mr. Robert Corette of the Montana Power; Mr. Jack Marlow, Secretary of the Montana Contractors' Association; Mr. William Lowe, a contractor.

At the conclusion of their testimony the Chairman asked if there were any others to speak; there were none. The Chairman asked for questions. There were some by Senators Hafferman and Shea. Senator Dzivi asked for rebuttal and it was granted to him by Senator Gilfeather. There followed a discussion by the proponents and opponents. The witnesses then left the meeting.

Senate Bill 225 was taken up and Mr. Don J. Skerrett of the Montana State University Security Department, spoke in support of this bill. Other proponents were J.A. Parker and Laurance R. Waldoch, both of the University System. There were questions by the committee members Senator Sheehy and Senator Shea.

There being no further business to come before the meeting, the meeting was adjourned.



SENATOR P. J. GILFEATHER, CHAIRMAN

The meeting was called to order by the Chairman, Senator Gilfeather. There was a quorum present for the meeting.

Senate Bill 320 was explained by Senator Shea. The Chairman asked if it could be amended in the House. There was further discussion. Senator Hafferman MOVED SENATE BILL 320 DO PASS. THIS WAS SECONDED BY Senator Moore. THE MOTION WAS CARRIED.

Senate Bill 225 was considered by the committee. It was decided to amend it as follows:

Amend Section 1, page 1, line 19, after the word "and" by inserting the words "for campus-related activities";

Further amend by striking Section 2 in its entirety and renumbering Section 3, page 2, line 3 to be Section 2;

Further amend by renumbering Section 4, page 2, line 13, to be Section 3;

Further amend Section 3, now Section 2, page 2, line 7, after the word "violations" by inserting the words "as defined by state or municipal laws"

Further amend by adding a new Section 4, as follows:
"Any such peace officers shall not be authorized in the performance of their duties, to bear firearms or other deadly weapons". Sen. Sheehy MOVED, SECONDED by Sen. Turnage that 225 DO PASS, AS AMENDED. MOTION CARRIED. Sen. Shea voted "no".

Senate Bill 303 was explained to the committee by Senator Mitchell. He said this bill was moved from the Irrigation and Water Committee to the Judiciary Committee because Senator Groff and Senator Turnage thought it should be reviewed by the Judiciary from a legal standpoint. Senator Mitchell introduced the chief architect of this piece of legislation and Mr. Clay Brinck of the Department of Health. Professor Rousseau spoke with Senator Turnage concerning this bill, stating that in Section 3 the new material is underlined. The professor continued to explain the bill, by sections. Senator Mitchell then introduced Representative Harrison, from Helena, who explained that he became involved with this indirectly. Then Senator Turnage suggested the professor offer amendments to the bill and the committee would discuss them. There followed questions by Senators Hafferman and Sheehy. At this point Mr. Brinck spoke at some length about the bill. At the conclusion of this the witnesses left the meeting. The meeting was adjourned.

21 Feb 1975

- ☒ DO PASS AS AMENDED
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 9, 1971

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 225

A BILL FOR AN ACT ENTITLED: "POWER OF REGENTS TO APPOINT UNIVERSITY SECURITY DEPARTMENTS: EXTENT OF AUTHORITY OF UNIVERSITY SECURITY DEPARTMENTS."

Respectfully report as follows: That SENATE Bill No. 225

Be amended as follows:

Amend Section 1, page 1, line 19, after the word "and" by inserting the words "for campus-related activities";

Further amend by striking Section 2 in its entirety and renumbering Section 3, page 2, line 3 to be Section 2;

Further amend by renumbering Section 4, page 2, line 13, to be Section 3;

Further amend Section 3, now Section 2, page 2, line 7, after the word "violations" by inserting the words "as defined by state or municipal laws"

xxxxxx Further amend by adding a new Section 4, as follows: "Any such peace officers shall not be authorized in the performance of their duties, to bear firearms or other deadly weapons".
DO PASS

AND AS SO AMENDED, DO PASS

EDUCATION

COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
SB 225	Power of regents to appoint university security departments, extent of authority of. Groff	2-13	2-20		2-20	BE CONCURRED IN AS AMENDED	Governor's Office 3-4-71
BJR 9	To avoid unnecessary duplication in the programs and degrees offered by the Montana University System. Drake et al	2-13	2-23		2-23	BE CONCURRED IN AS AMENDED	Governor's Office 3-4-71
SB 130	Relating to Pecuniary interests of a Trustee in Schools of his district. Rosell, et al	2-9	2-13		2-13	BE CONCURRED IN	Signed by Governor 2-20-71
SB 249	Requiring home counties of mentally & physically handicapped children to pay tuition to local school districts where such children attend regardless of whether such children reside at state institution. Bollinger, Cotton, Brownfield	2-13	2-18		2-18	BE CONCURRED IN AS AMENDED	Governor's Office 3-4-71

February 20, 1971

The twenty first meeting was brought to order by the Chairman at 9:45 a.m. All members were present.

The bills scheduled for the day were SB 10, 200, 225, 301 and 297.

Sponsor, Sen. James of SB 297 introduced and summarized the bill. Sen. Lynch was the only proponent. There were no opponents.

SB 301 was introduced and summarized by Sen. Lynch. After questions from the committee, Rep. Campbell introduced Laurance Waldock, representing the Presidents office of the Montana State University, who read and submitted a written statement. He supported the bill with a suggestion that section 4 should be amended. Other proponents for the bill, with the suggested amendment, were Don J. Skerritt, Montana State University Traffic and Security Dept., J.A. Parker from the University of Montana and George Mitchell representing the University of Montana.

Mr. Mike Billings from the office of Supt. of Public Schools, submitted a sample of the amendment for SB 200. After questions by the committee the witnesses were excused at 10:55 a.m.

A motion was made for a Be Concurred in As Amended on SB 200. A division was called for and the vote was 7 to 7. The motion failed.

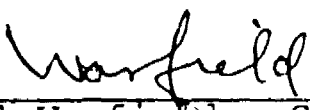
Rep. Kvaalen moved that SB 297 Be Not Concurred In. The motion carried.

It was moved that SB 225 Be Concurred In As Amended and the motion carried.

A motion was made to pass consideration for the day on SB 200 and SB 301. The motion carried.

The Chairman announced that there would be a meeting Monday morning at 8:00 to consider SB 200.

The meeting adjourned at 11:00 a.m.


Bill Warfield - Chairman

Montana State University

Bozeman, Montana 59715

Tel. 406-587-31

Office of the President

Carl W. McIntosh, President
Johnstone, Vice Pres. for Administration

Roy E. Huffman, Vice Pres. for Research
I. E. Dayton, Vice Pres. for Academic Affairs
February 19, 1971

TO: Members of the House Education Committee

FROM: Laurance Waldoch, Administrative Assistant
Montana State University

SUBJECT: Senate Bill 225--Security Departments

Senate Bill 225 would give the Board of Regents authority to continue current practices with respect to campus security departments. The bill would make members of security departments peace officers, subject to certain limitations.

The primary purpose of this proposed bill is to clarify the legal uncertainties surrounding the present operation of campus security departments at the various units of the Montana University System. The bill is not intended to create new authority nor to authorize new or expanded practices.

At the present time, members of campus police forces are "deputized" by the local county sheriff and city police chief. In the past it has been assumed that this practice gave the officers sufficient authority to act as campus security officers. Serious questions exist, however, as to the legality of this process. Montana law does not provide authority for a county sheriff or city police chief to "deputize" a separate security department over which he exercises little or no direct control.

The authority of city and county police forces would in no way be diminished or infringed upon by the passage of this bill. City and county authorities would retain all authority concerning police matters in and around university campuses which they now possess. Under no circumstances would this bill authorize a university security chief to in any way suggest or demand that city and county authorities restrict their activities on or near university campuses.

It is the feeling of the University System that local communities in which campuses are located should not be expected to bear the economic burden of supporting additional police officers to handle campus matters. This is an expense of operating the University System, and the cost should remain as a part of the university responsibility.

The primary duties of campus security officers would be enforcement of university regulations, including parking and traffic regulations, and maintenance of order and protection of persons and property on the campuses. This would represent no change from present practices. The bill would also authorize the president of each unit to enter into an agreement with the city and county in which his unit is located to authorize campus police officers to issue citations for moving traffic violations which would occur on campus. This practice has been followed for a period of years at several of the units.

A study completed in 1970 by the International Association of College and University Security Directors indicates that many campus security departments currently operate under legislative authority. The study, indicated the following

Source of authority for campus security forces:

State statute	105
County	20
City	33
County and city	20
None	20

Senate Bill 225 would clarify the authority of the Montana University System to continue to maintain security departments to provide for the maintenance of order and protection of persons and property on the campuses of the various units.

It is necessary for the University System to request that Section 4, relating to the prohibition of the use of firearms by campus security officers, be deleted. This section, which was added during Senate consideration of the bill, would seriously affect the ability of the university units to continue to provide adequate protection of persons and property on campuses. Although the use of firearms is very strictly limited by administrative policy, it is vital that campus security officers be allowed to carry firearms at certain limited times. During registration periods, campus security officers transport large sums of money from the campus to the bank several times each day. In addition, it is our feeling that a security officer cannot be asked to make building investigations at night if all persons know that he is prohibited by law from being armed.

We are not aware of any other Montana statute which prohibits the carrying of an unconcealed firearm. We do not believe that it would be appropriate to single out campus security officers as the only group in Montana which would be prevented by law from carrying firearms.

NAME LAURANCE R. WALDEN

BILL No. SB225

ADDRESS Bozeman

DATE Feb 26, 1971

WHOM DO YOU REPRESENT? Mont. St. Univ. - President's Office

SUPPORT? ☒

OPPOSE? ☐

AMEND? ☒

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME Don J. Skrabble BILL NO. 225
ADDRESS New State University, Kansas, Mo. DATE 26 Feb 78

WHOM DO YOU REPRESENT? U.S. Traffic & Security Dept.

SUPPORT? ✓ OPPOSE? AMEND? ✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

For the bill because of the need
for statutory provisions for what
has been in operation for years.

Oppose the amendment on your because
it is limiting on officers to a class
before not other people.

NAME J. A. PARKER BILL No. SB 225

ADDRESS 816 Hilda DATE 2-20-71

Missoula, MT. 59801

WHOM DO YOU REPRESENT? U of M

SUPPORT? yes OPPOSE? _____ AMEND? yes

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME George Mitchell BILL No. SB 225
ADDRESS Missoula DATE _____

WHOM DO YOU REPRESENT? Univ of Mont - Missoula

SUPPORT? Yes OPPOSE? _____ AMEND? Yes

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

- ☐ DO PASS
☐ DO NOT PASS
☒ BE CONCURRED IN **AS AMENDED**
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

~~February 20~~ 19 71

MR. ~~XXXXXX~~ SPEAKER:
PRESIDENT

We, your committee on.....**EDUCATION**.....

having had under consideration.....**SENATE**..... Bill No. **225**

A BILL FOR AN ACT ENTITLED: "POWER OF REGENTS TO APPOINT
UNIVERSITY SECURITY DEPARTMENTS: EXTENT OF AUTHORITY OF
UNIVERSITY SECURITY DEPARTMENTS."

Respectfully report as follows: That.....**SENATE**..... Bill No. **225**

Be amended on page 2, line 9 through and including line 11, by
deleting the material therein in its entirety. **And,**

AS AMENDED, BE CONCURRED IN

XXXXXX

hundred (300) pupils. For a school having an ANB of more than three hundred (300) pupils, the maximum of seven hundred thirteen dollars (\$713) shall be decreased at the rate of thirteen cents (\$.13) until the ANB shall have reached six hundred (600) pupils. For a school having an ANB over six hundred (600) pupils, the maximum shall not exceed six hundred seventy-five dollars (\$675) per pupil.

Computation—
maximum per pupil.

(18) *The maximum per pupil for all pupils (ANB) and for all high schools shall be computed on the basis of the amount allowed herein on account of the last eligible pupil, ANB. All high schools and junior high schools which have been approved and accredited as junior high schools, operated within the incorporated limits of a city or town shall be treated as one (1) school for the purpose of this schedule.*

Junior high
schools—proration.

(19) *The general fund budget amount for an approved and accredited junior high school shall be prorated between the elementary district general fund budget and the high school district general fund budget in the following manner:*

(a) *determine the per-ANB schedule amount for the school, as defined by this section, from the high school schedule;*

(b) *calculate the ANB for the regularly enrolled full-time pupils enrolled in the seventh (7th) and eighth (8th) grades of the junior high school;*

(c) *multiply the per-ANB schedule amount determined in subsection (a) by the ANB calculated in subsection (b) to determine the authorized general fund budget amount which shall be available for the elementary district general fund budget; and*

(d) *subtract the amount determined in subsection (c) from the total authorized general fund budget amount for the school to determine the authorized general fund budget amount which shall be available for the high school district general fund budget.*

The general fund budget amount determined for each school of a district under the schedules provided in this section shall be totaled to determine the maximum-general-fund-budget-without-a-voted-levy for such district."

Section 2. This act is effective immediately upon passage and approval.

Effective
immediately.

Approved March 18, 1971

CHAPTER NO. 405

Power of Regents to Appoint University Security Departments; Extent of Authority of University Security Departments.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The regents of the Montana university system may appoint one or more persons to be members of security departments at each unit of the university system, as such security departments are constituted on July 1, 1971, or may thereafter be constituted. Persons employed and compensated as members of the said security departments when so appointed are peace officers; however, such peace officers shall not exercise their authority except (a) upon the campuses of the Montana university system and for campus-related activities an area within one (1) mile of the exterior boundaries of each thereof, and

Regents may
appoint security
department
personnel.

Peace officers.

Campus and one
mile area.

(b) in or about other grounds or properties owned, operated, controlled or administered by the regents or any unit of the Montana university system. Such officers shall have no power to serve and execute civil processes.

University grounds.

Section 2. The president of each unit may in his discretion enter into an agreement with the city or county in which his unit is located to authorize members of the unit's security department to issue citations for parking or moving traffic violations as defined by state or municipal laws which occur within the boundaries of the campus or on streets or alleys contiguous thereto. All such citations shall be considered within the jurisdiction of the appropriate local authority, and shall be handled in the same manner as citations issued by peace officers of such local authority.

Agreement.

Citations—parking
and traffic
violations.

Jurisdiction.

Section 3. The president of each unit shall have general control and direction of the security department of his unit.

Control by
president.

Firearms.

Section 4. Security guards shall be authorized to carry firearms between sunset and sunrise and at any time when acting as guards for transportation of money or other valuables.

Approved March 18, 1971

CHAPTER NO. 406

An Act Amending Sections 75-8103, 75-8105, 75-8106, 75-8107, 75-8108, 75-8109, 75-8110 and 75-8119, R.C.M., 1947, Providing that Community College Districts Shall Be Under the Supervision of the Board of Regents and That Said Board Shall Appoint a Coordinator of Community College Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 75-8103, R.C.M., 1947, is amended to read as follows:

Regents supervise community college districts.

"75-8103. **Supervision by board of regents.** Community college districts shall be under the supervision of the regents. The regents shall:

Coordinator.

(1) Appoint a coordinator of community college districts and request legislative appropriations for the operation of his office;

Uniform policies.

(2) Formulate and put into effect uniform policies as to budgeting, record keeping, and student accounting;

Entrance—curricula.

(3) Establish minimum entrance requirements and approve curricular offerings for all community colleges;

Accreditation.

(4) *Direct each community college district to seek accreditation from a recognized accrediting association."*

Amending clause.

Section 2. Section 75-8105, R.C.M., 1947, is amended to read as follows:

Petition for election—organization of district.

"75-8105. **Petition to propose organization of community college district.** When the area of a proposed community college district satisfies the specified requirements, the registered electors of the area may petition the regents to call an election for the organization of a community college district. Such petition shall be signed by at least twenty per cent (20%) of the registered electors

within each county or a part of a county included in the area of the proposed community college district."

Section 3. Section 75-8106, R.C.M., 1947, is amended to read as follows: Amending clause.

"75-8106. **Call of community college district organization election and proposition statement.** A petition for the organization of a community college district shall be presented to the regents. The regents shall examine the petition to determine if the petition satisfies the petitioning and community college district organizational requirements.

Consideration by regents.

If the regents determine that the petition satisfies such requirements, the regents shall order the elementary districts encompassed by the proposed community college district to conduct an election on the community college district organization proposition. Such election shall be held on the next succeeding regular school election day, except that an election required by a petition received by the regents less than sixty (60) days before the regular school election day shall be held at the regular school election in the following school fiscal year.

Conduct of election.

At such election, the proposition shall be in substantially the following form:

Form of proposition.

PROPOSITION

Shall there be organized within the area comprising the School Districts of (*elementary districts shall be listed by county*), State of Montana, a community college district for the offering of 13th and 14th year courses, to be known as the Community College District of _____, Montana, under the provisions of the laws authorizing community college districts in Montana, as prayed in the petition filed with the Board of Regents at Helena, Montana, on the _____ day of _____, 19_____

☐ For organization

☐ Against organization."

Section 4. Section 75-8107, R.C.M., 1947, is amended to read as follows: Amending clause.

"75-8107. **Election of trustees, districts from which elected and terms of office.** The regents shall provide for the election of trustees of the proposed community

Election of trustees.